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National Broadband Policy for the Twenty-First Century: Thoughts from the Grassroots

This report is a compilation of several events held in the state of California in 2008 where grassroots groups and members of the community gathered to discuss the Internet. Data was collected from the following events:

- The Oakland Digital Inclusion Summit – February 15, 2008
- The two-hour long public comment session at the En Banc FCC Hearing on the Future of the Internet at Stanford University on April 17, 2008
- The Oakland Town Hall Meeting on municipal wi-fi conducted by Tellus Ventures and Winning Strategies on September 19, 2008
- The Internet for Everyone Los Angeles Town Hall Meeting – December 6th, 2008

Before turning to the policy ideas that came out of these conversations, we wanted to provide a sampling of statements from people at these events in their own words.

“I think sharing Internet connections is a really good idea”

“People who are left out of the private Internet world will continue to be left out. It is incumbent on us to do something about that. The issue is how to make it sustainable. Internet access is a right. It's not a privilege. Those who don't have it get left behind. “

“I live in East Oakland and it would be great if there were wi-fi hotspots there so I wouldn't need to go to Montclair or Piedmont to get any work done.”

“The “digital” divide is just another manifestation of “the divide”. It's another symptom of the economic inequities in the society. My question is “can access to technology really deliver economic self-sufficiency to troubled communities?”

“The Internet is essentially a disruptive force. The race is on to tame it, control it and manage it for the benefit of corporate America”

“People of color exist in the Internet world as content providers – We need to talk about ownership of infrastructure and cutting out the middleman. Can we own our own satellites, routers, pipes?”

“The Internet lets people connect the dots between what's going on in the community, public policy and what’s going on in the rest of the world. This has been incredibly powerful in my life. It's amazing to me and I want more women and people of color to have these experiences”.

Why do we need gatekeepers to communicate with each other? The Internet is the ultimate peer to peer universe”.

“The Internet is what I use to access accurate information as a reporter and producer. Pay to play would be a disaster for me in trying to access alternate sources of information especially in other parts of the world. The Internet is not just a commercial entity. Access to each other and to information is crucial”.

“I am speaking for all the people who will never be in rooms and discussions like this. Poor people face obstacles in accessing “everything” – and the Internet is just another example. People who just got access will lose it if corporate objectives rule the day”.

“The Internet is as important as the Gutenberg printing press”

“The Internet without regulation is like a hockey game without a referee”.

Policy Recommendations

The policy recommendations presented here are a synthesis of practical suggestions from participants in these events and a culling of more general statements about intents, hopes and desires into possible policy directions that would support these objectives. The recommendations are divided into three categories: regulatory

fixes, economic stimulus possibilities around broadband access, and a platform for a civil rights policy for new technology and access to it in the United States. There are obvious interconnections between the three categories: but the first two are oriented towards practical actions and the third towards a more comprehensive shift in philosophy and market conditions in the overall sphere. Some may not be entirely consistent with others presented. That is a risk when collecting information from many different people and organizations that do not agree on all things. In the interests of representation, we are putting forward the strongest suggestions that attracted significant support in these three categories for consideration.

A) Regulatory Actions: Short-term:

1) Fully legalize the sharing of Internet connections between community members via wireless device or mesh-style repeaters. Eliminate language in all customer agreements with telecoms banning, penalizing or discouraging the sharing of high-speed connections.

Note: This is in the best tradition of the help-your-neighbor ethos in American culture and can be an effective stopgap measure, especially in low-income urban areas, where there is inadequate affordable broadband penetration.

2)Immediately pass network neutrality legislation mandating the equal treatment of all data flows and prohibiting pay-to-play fees.

3) Require (and enforce) telecom companies to log network management practices and submit quarterly logs to regulators for inspection.

Note: This protects the rights of consumers and other market players, enforces corporate accountability, and provides transparency for telecom practices – something consumers, and our democracy, require.

4)Review of deep-packet inspection technologies and federal cyber terrorism protocols.

Note: Concrete surveillance policies that protect Internet user privacy and provide clear regulations as to when and if tracking and surveillance actions can be taken by federal agents with cooperation from telecoms for homeland security purposes. Retroactive repeal of immunity for previous actions that may not have complied with the law from 2001-2008.

Regulatory Actions: Long-Term:

1) Negotiate leasing-out capacity on all existing networks.

Note: Broadband pipes are a vital piece of our national communications infrastructure, as well as an asset in which private corporations have invested capital. To balance these two facts and prevent our broadband system from operating as a private playground, all existing private networks should be required to have a readily available pricing structure for leasing out bandwidth to other providers on their system. This opens market competition and prevents speculation on national assets.

2) Decouple network provision from service provision

Note: Using existing anti-trust regulation, restructure the market so that separate entities maintain networks and offer services on those networks. This would be part of a long-term plan to reframe Internet access along the lines of a regulated public utility like landline telephone service with all private providers accorded common carrier status. Broadband pipes are too important to national communications to allow them to be restricted.

B) Economic Stimulus Actions:

1) Tax deductible Internet subscription fees for certain classes of citizens

Note: Suggested classes include the parents of school-age children and people receiving unemployment insurance benefits

2) Rebates/Lifeline assistance for low income citizens

Note: Set up a similar program to the Lifeline program for individuals below the poverty index to receive low-cost or free Internet access from local providers as well as referrals to local providers of free, low-cost or refurbished computers. These benefits could come from Universal Service Fund (USF) reforms.

3) Research funds for “white spaces” public interest use

Note: Vacated spectrum holds tremendous potential for community networks of unparalleled speed and strength. While we would not encourage government investment in proprietary devices sold exclusively for private gain, we do advocate research assistance for the development and implementation of the equipment needed to operate public networks in the now-vacant spectrum

4) Research funds for “open-source” hardware

Note: Open source software has been a vital contribution to the economics and the health of the Internet. Figuring out ways to bring an open source ethos to our telecommunications infrastructure as either a replacement to the current oligopoly or simply to provide public or nonprofit alternatives to it, would be significant, although the economic benefits may not be immediately concrete enough to attract private venture capital. Government research funds would be of tremendous help in inspiring talented innovators to seriously engage in research on this front.

5) Option for companies to pay their taxes in donated bandwidth for public use

Note: Provide an option for the telecoms to pay some or all of funds due to the government in bandwidth reserved for future public networks. These could be as simple as mesh networking extensions from existing public buildings out to the immediate surrounding area or they could be municipal projects to provide public alternatives in the wireless or wired markets in their regions.

6) Fund media training and support for community-based organizations

engaged in providing media and information/communication technology training for the public good and extending civil, human and communications rights.

Note: Organizations that have been in the forefront of removing social, cultural and political divides that are the root causes of the technology gap are well-positioned and effective at mobilizing their constituencies. Increasing their communications capacity increases the penetration of effective technology usage into the most highly impacted communities and builds greater democratic participation.

C) The New Civil Rights Movement

“The commitment to build a people-centered, inclusive and development-oriented information society where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights” (World Summit on the Information Society, 2004).

1) Require the incumbent providers to provide an inventory of existing assets, including fibers, cables and wireless hubs. Fund and require municipalities to conduct assessments mapping centers for community Internet access, training services and public digital media production facilities.

Note: Knowing what already exists is a necessary baseline for planning.

2) Map broadband connectivity (as defined above) to identify digital enterprise zones.

Note: Accurate identification by as precise an index as possible (zip codes) of exactly where connectivity is substantially below average. (Given current statistics in the US, one measure might be 70% penetration). Designation of identified digital divide zones as

broadband enterprise zones eligible for attractive financing and loan support for infrastructure buildouts, and access and training community hubs (see below). Broadband mapping will ensure that public dollars and support directly target areas not currently well served by the free market in broadband services and create a return on investment for emerging markets that are not currently break-even propositions.

2) Federal loan guarantees and/or federal matching funds for public/public partnerships (state and municipal with nonprofit and community partners) for connectivity projects within identified digital divide enterprise zones.

Note: Connectivity projects can include both infrastructure buildouts (fiber backhauls and last mile connections to the home) and in targeted enterprise zones, communication hubs that deliver hi speed connectivity, low-cost hardware and software and skills training in the targeted enterprise zones. Hubs are useful tools to cover the distance between access problems today and the time required for to-the-home projects to be developed, launched and constructed. Access hubs also serve to stimulate demand for broadband by meeting training needs and strengthening communities. See Section 3 for a more in-depth discussion of digital inclusion and community as well as Media Alliance's 2007 publication " The Digital Inclusion Advocacy Toolkit" (http://www.media-alliance.org/article.php?list=type&type=50)

3) Public funds should prioritize public/public partnerships.

Note: Best international practices suggest this has been the most effective strategy. In addition, investment in telecommunications infrastructure in under-served areas has historically not been a profit-making activity and as with health care, private cherry picking has created a market divide problem the federal government is trying to solve. There is a difference between market needs and the country's need for infrastructure and investment in long-term assets for a reasonable standard of living in the 21st century. Privatized infrastructure in low-income and rural, remote areas has historically been problematic due to the lack of return on

investment rewards.

2) Federal loan guarantees and/or federal matching funds for private connectivity projects within identified digital divide enterprise zones if structured for lack of proprietary usage.

Note: If the telecoms wish to participate in digital divide enterprise zone projects, one public interest carrot that can be attached is lack of proprietary usage, including leasing to other ISP's and entities at reasonable rates. This ensures that federal dollars promote competition in the broadband arena and allow multiple choices for under-served consumers to protect price levels and prevent later gouging by network owners. This also works for long-term public interest goals for an open telecommunications system.

3) Policy measures need to extend beyond infrastructure and technical fixes and work with local communities to design, implement and operate information and communication facilities, based on their needs to create, publish and contribute to local content.

Note: Community development efforts are crucial to making an impact on the digital divide, as academics studying the matter have concluded (Strover, Chapman, Waters; Beyond Community Networking and CTC's; Telecommunications and Policy Institute, University of Texas). Quote: “In many ways, building community is a necessary precursor to building a successful community network”. Sites with the greatest number of hits and the most effective community content were directly linked to efforts where the local community was prepared to provide training, make sites accessible and provide staffing and support to enable access. Strover et al also concluded that “location, proximity to transportation, availability of childcare, staff support and languages spoken at the site all affect use by community members”. The study also concluded that projects targeting under-served communities in which the groups themselves had no ownership or direct involvement in the project were not successful.

4) Redefining digital inclusion to include public ownership & community-directed content and education.

Note: Policies that focus only on the physical acquisition of technology and physical connections to Internet infrastructure overlook basic human needs (S. Gangadharan; What's meant by digital inclusion; Media Alliance). The control of the infrastructure, and the extent to which owners influence the configuration of the system and the pricing shapes the conditions under which individuals interact with the system, including what types of devices can connect to a network, what forms of content are available and how security and privacy measures are built into the system. Quote "Digital inclusion policies (or public efforts addressed at narrowing the digital divide) ought to focus on ensuring connections for all to the network of communication infrastructures, managing these infrastructures as publicly-interested as opposed to privately-interested or self-interested systems and providing to every resident the communicative competence to function" (Gangadharan)